

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JUSTIN SILVERMAN)
)
)
) Civil Action No. 2:16-cv-03686-RMG
)
Plaintiff,)
)
)
vs.)
)
NATIONAL BOARD OF MEDICAL)
EXAMINERS)
)
)
Defendant.)
)

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTIVE
RELIEF**

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Justin Silverman respectfully moves this Court pursuant to Federal Rule of Civil Procedure 65(a) for a preliminary injunction to enjoin the Defendant National Board of Medical Examiners from its continued violation of the Americans with Disabilities Act (ADA) and from failing to provide the Plaintiff with the reasonable accommodations of extended timed test periods by one half their length and reduced distraction test environment, so that Plaintiff may take the United States Medical Licensing Examination (USMLE) Step I Exam with these accommodations before December 31, 2016. Plaintiff seeks such other such relief as the Court deems just and proper. This Motion for Preliminary Injunctive Relief is based upon the Complaint, the exhibits attached thereto, the affidavit of Plaintiff, and the accompanying memorandum of law filed herewith which establish the Plaintiff's right to relief under the standards enunciated by *Nat. Res. Def. Council, Inc.*, 555 U.S. 7 (2008).

In accordance with Local Civ. Rule 7.02 (D.S.C.), counsel for Plaintiff states that the Defendant has not yet been served, counsel has not yet appeared for the Defendant, and thus the Defendant is presently not represented by counsel. Counsel for the Plaintiff will consult with counsel for the Defendant concerning this motion as soon as counsel for the Defendant makes an appearance.

PROCEDURE UTILIZED FOR FILING AND SERVICE OF MOTION

The Plaintiff filed this lawsuit through ECF on Friday, November 18, 2016. The Summons did not issue, and a case number was not assigned, until Monday, November 21, 2016. The Summons and Complaint, and this Motion with accompanying Memorandum, will be transmitted to a process server in Philadelphia, Pennsylvania, as soon as counsel for the Plaintiff receives a file-stamped copy of the Motion and Memorandum. It is anticipated that service will be had upon the Defendant no later than November 23, 2016, and the affidavit of service will be filed upon its receipt. Should the Defendant not appear in due course after service, the Plaintiff will seek to have his motion addressed *ex parte* as a motion for temporary restraining order seeking the same relief as sought by this Motion for Preliminary Injunction.

S/Allan R. Holmes

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November 21, 2016